

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CHAPTER 13 PLAN

Debtor(s) James Lee Holzhauer

Case No: 8:12-bk-5960

☒ Amended (if applicable)] Chapter 13 Plan

1. MONTHLY PLAN PAYMENTS: Including Trustee's fee of 10% and beginning thirty (30) days from filing/conversion date. Debtor¹ to pay to the Trustee for the period of 60 months. In the event the Trustee does not retain the full 10%, any portion not retained will be paid to unsecured creditors pro-rata under the plan:

¹ All references to "Debtor" include and refer to both of the debtors in a case filed jointly by two individuals.

- A. \$1,043.00 for months 1 to 8;
B. \$385.00 for months 9 to 60;
C. \$ for months to ;

in order to pay the following creditors:

2. ADMINISTRATIVE ATTORNEY FEE: \$5,300.00* TOTAL PAID \$3,500.00
***included Mediation Fee of \$1,800.00**

Balance Due \$1,800.00 Payable Through Plan \$0.00 Monthly

3. PRIORITY CLAIMS [as defined in 11 U.S.C. §507]:

Name of Creditor	Total Claim
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TRUSTEE FEES: Trustee shall receive a fee from each payment received, the percentage of which is fixed periodically by the United States Trustee.

SECURED CLAIMS:

Pre-Confirmation Adequate Protection Payments: No later than 30 days after the date of the filing of this Plan or the Order for Relief, whichever is earlier, the Debtor shall make the following adequate protection payments to creditors pursuant to §1326(a)(1)(C). If the Debtor makes such adequate protection payments on allowed

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claims to the Trustee pending confirmation of the Plan, the creditor shall have an administrative lien on such payment(s), subject to objection.

Name of Creditor	Collateral	Adequate Protection Pmt. in Plan
Chase - Homestead: - 5300 Homer Street, Clearwater FL		\$200.00 * to be avoided in the plan*
GreenTree Lending - Non-Homestead: 14852 62nd Street N		\$420.43 *to be paid outside the plan*
Capitol One Bank – Recreational Vehicle		\$54.30 * to be paid outside the plan*

(A) Claims Secured by Real Property Which Debtor Intends to Retain/ Mortgage Payments Paid Through the Plan: Debtor will pay, in addition to all other sums due under the proposed Plan, all regular monthly post-petition mortgage payments to the Trustee as part of the plan. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter. The Trustee shall pay the post-petition mortgage payments on the following mortgage claims:

Name of Creditor Collateral Estimated Payment

(B) Claims Secured by Real Property Which Debtor Intend(s) to Retain / Arrearages Paid Through the Plan: In addition to the provisions in Paragraph A above requiring all post-petition mortgage payments to be paid to the Trustee as part of the Plan, the Trustee shall pay the pre-petition arrearages on the following mortgage claims:

Name of Creditor Collateral Arrearages

(C) Claims Secured by Real Property/Debtor Intends to Seek Mortgage Modification: Pending the resolution of a mortgage modification request, the Debtor shall make the following adequate protection payments to the Trustee, calculated at 31% of the Debtor's gross monthly income. Absent further order of this Court, the automatic stay shall terminate effective 6 months after the filing of the Debtor's bankruptcy petition:

Name of Creditor	Collateral	Payment Amt (at 31%)
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(D) Claims Secured by Personal Property to Which Section 506 Valuation is NOT Applicable Secured Balances: Upon confirmation of the Plan, the interest rate shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court.

Payments distributed by the Trustee are subject to the availability of funds.

Creditor Collateral Ad. Prot. Pmt. Sec. Balance Interest @ _____%

(E) Claims Secured by Personal Property to Which Section 506 Valuation is Applicable:

Creditor Collateral Ad. Prot Pmt. in Plan Value Interest @ _____%

(F) Claims secured by Personal Property: Regular Adequate Protection Payments and any Arrearages Paid in Plan:

Name of Creditor Collateral Ad. Prot. Pmt. in Plan Arrearages

(G) Secured Claims/Lease Claims Paid Direct by the Debtor: The following secured claims/lease claims are to be paid direct to the creditor or lessor by the Debtor outside the Plan. The automatic stay is terminated *in rem* as to these creditors and lessors upon the filing of this Plan. Nothing herein is intended to terminate any codebtor stay or to abrogate the Debtor's state law contract rights. The Plan must provide for the assumption of lease claims in the Lease/Executory Contract section below.

Name of Creditor Property/Collateral

GMAC – Homestead: - 5300 Homer Street, Clearwater FL (Mortgage Modified as of 2/1/13)

GreenTree Lending - Non-Homestead: 14852 62nd Street N

Capitol One Bank – Recreational Vehicle

(H) Surrender of Collateral/Leased Property: Debtor will surrender the following collateral/leased property no later than thirty (30) days from the filing of the petition unless specified otherwise in the Plan. The automatic stay is terminated *in rem* as to these creditors/lessors upon the filing of this Plan. Nothing herein is intended to lift any applicable codebtor stay or to abrogate Debtor's state law contract rights. The Plan must provide for the rejection of lease claims in the Lease/Executory Contract section below.

Name of Creditor Property/Collateral to be Surrendered

SECURED – LIENS TO BE AVOIDED/STRIPPED:

Name of Creditor Collateral	Estimated Amount
Chase - Homestead: - 5300 Homer Street, Clearwater FL	\$33,000.00

LEASES/EXECUTORY CONTRACTS:

Name of Creditor Property Assume/Reject-Surrender Estimated Arrears

UNSECURED CREDITORS: Unsecured creditors with allowed claims shall receive a *pro rata* share of the balance of any funds remaining after payments to the above referenced creditors or shall otherwise be paid pursuant to the provisions of a subsequent Order Confirming Plan. The estimated dividend to unsecured creditors is \$18,914.00.

ADDITIONAL PROVISIONS:

1. Secured creditors, whether or not dealt with under the Plan, shall retain the liens securing such claims;
2. Payments made to any creditor shall be based upon the amount set forth in the creditor's proof of claim or other amount as may be allowed by a specific Order of the Bankruptcy Court.
3. Property of the estate shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise.
4. The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief. The Trustee shall only make payment to creditors with filed and allowed proof of claims. An allowed proof of claim will be controlling, unless the Court orders otherwise.
5. Case Specific Provisions: _____

/s/ James Lee Holzhauer
Debtor

1/18/2013
Dated

CERTIFICATE OF SERVICE

I HEREBY certify that a true and exact copy of the foregoing was mailed via United States Mail, to the United States Trustee, 801 North Florida Avenue, Tampa, Florida, 33602; Chapter 13 Trustee, Terry E. Smith, PO Box 6099, Sun City Center, FL 33571 and all parties listed on the attached creditor matrix on this 18th day of January, 2013.

/s/ Jesse D. Berkowitz
Jesse D. Berkowitz, Esq.
6560 First Avenue North
St. Petersburg, FL 33710
(727) 344-0123
FLA BAR # 0546151
Attorney for Debtor

Label Matrix for local noticing
113A-8
Case 8:12-bk-05960-MGW
Middle District of Florida
Tampa
Fri Jan 18 11:08:36 EST 2013

GMAC Mortgage, LLC
Elizabeth R. Wellborn, P.A.
c/o Taji S. Foreman
350 Jim Moran Blvd., Suite 100
Deerfield Beach, FL 33442-1721

United States Bankruptcy Court
Sam M. Gibbons United States Courthouse
801 North Florida Avenue, Suite 555
Tampa, FL 33602-3860

Bank of America
POB 15026
Wilmington, DE 19850-5026

Capital One, N.A.
c/o Bass & Associates, P.C.
3936 E. Ft. Lowell Road, Suite #200
Tucson, AZ 85712-1083

Chase
POB 24714
Columbus, OH 43224-0714

Creditors Interchange
80 Holtz Drive
Buffalo, NY 14225-1470

Experts in Plumbing
5300 Homer Street
Clearwater, FL 33760-3433

GMAC Mortgage, LLC- Attn: Bankruptcy Departm
1100 Virginia Drive
Ft. Washington, PA 19034-3204

Green Tree Servicing, LLC
PO BOX 0049
Palatine, IL 60055-0049
Telephone number: 888-298-7785

Azurea I, LLC
c/o Weinstein & Riley, P.S.
2001 Western Ave., Ste. 400
Seattle, WA 98121-3132

JPMorgan Chase Bank NA...
Law Offices of Marshall Watson, PA
1800 NW 49th Street Suite 120
Fort Lauderdale, FL 33309-3092

AT&T
POB 105024
Atlanta, GA 30384-0001

Baycare Homecare
POB 403825
Atlanta, GA 30384-3825

Capitol One Bank
POB 71083
Charlotte, NC 28272-1083

Coastline ER
POB 41694
Philadelphia, PA 19101-1694

Department of Revenue
PO Box 6668
Tallahassee, FL 32314-6668

FIA Card Services, N.A. as successor to
Bank of America, N.A. (USA)
and MBNA America Bank, N.A.
PO Box 15102
Wilmington, DE 19886-5102

Green Tree Lending
POB 6172
Rapid City, SD 57709-6172

I.C. Systems
444 Highway 96E
Saint Paul, MN 55127-2557

Capital One, N.A.
Bass & Associates, P.C.
3936 E. Ft. Lowell Road, Suite #200
Tucson, AZ 85712-1083

Pinellas County Tax Collector (AB)
PO Box 4006
Seminole, FL 33775-4006

Advanta
POB 5657
Hicksville, NY 11802-5657

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Chase
POB 15153
Wilmington, DE 19886-5153

Countryside Neurology
POB 2842
Tampa, FL 33601-2842

Discover Card
POB 71084
Charlotte, NC 28272-1084

GMAC
POB 4622
Waterloo, IA 50704-4622

(p)GREENTREE SERVICING LLC
BANKRUPTCY DEPARTMENT
P O BOX 6154
RAPID CITY SD 57709-6154

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Main Street Acquisition Corp., assignee
of CHASE BANK USA, N. A.
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Main Street Acquisition Corp., assignee
of DISCOVER BANK
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Marcadis & Assoc.
5104 S. Westshore Blvd.
Tampa, FL 33611-5650

Mease Countryside Hospital
Processing Cntr
POB 404771
Atlanta, GA 30384-4771

Mease Countryside Hospital
c/o Joseph Giambalvo, Esquire
1012 Drew Street
Clearwater, FL 33755-4521

Merrick Bank
Resurgent Capital Services
PO Box 10368
Greenville, SC 29603-0368

NCO Financial Systems
507 Prudential Road
Horsham, PA 19044-2368

Pinellas County Tax Collector
PO Box 4006
Seminole, FL 33775-4006

Pinellas Internal Medicine
2595 Tampa Rd., Ste. D
Palm Harbor, FL 34684-3130

Radiology Assoc. of CLW
POB 917368
Orlando, FL 32891-0001

Sunstar Ambulance
12490 Ulmerton Road
Largo, FL 33774-2700

West Coast Inf. Disease
1840 Mease Dr.
Ste. 319
Safety Harbor, FL 34695-6605

Yellowbook
C/O Marcadis Singer, PA
5104 South Westshore Blvd
Tampa, FL 33611-5650

Zwicker & Assoc., P.C.
80 Minuteman Rd.
Andover, MA 01810-1008

James Lee Holzhauer
5300 Homer Street
Clearwater, FL 33760-3433

Jesse D. Berkowitz
Berkowitz Law Group
6560 1st Avenue, North
Saint Petersburg, FL 33710-8404

Terry E Smith
PO Box 6099
Sun City Center, FL 33571-6099

Traci K. Stevenson
P O Box 86690
Madeira Beach, FL 33738-6690

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Green Tree Servicing, LLC
P.O. Box 6154
Rapid City, SD 57709-6154
Telephone number: 888-298-7785

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) Azurea I, LLC
c/o Weinstein & Riley, P.S.
2001 Western Ave., Ste. 400
Seattle, WA 98121-3132

(u) JPMorgan Chase Bank NA
Attn: Correspondence Mail
700 Kansas Lane

End of Label Matrix	
Mailable recipients	47
Bypassed recipients	2
Total	49